

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO et al.,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

ORDER DENYING MOTION OF CARLOS LAMOUTTE TO EXPEDITE BRIEFING OF MOTION TO INTERVENE AND TO INFORM THE EXISTENCE AND CONTINUANCE OF AN UNRESOLVABLE CONFLICT OF INTEREST IN VIOLATION OF THE PUERTO RICO RECOVERY ACCURACY IN DISCLOSURES ACT OF 2021, 48 U.S.C. 2101 ET SEQ., AND PETITION FOR: (A) THE PERMANENT DISQUALIFICATION OF O'NEILL & BORGES, LLC AS LEGAL COUNSEL TO THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AND (B) THE DISALLOWMENT AND DISGORGEMENT OF LEGAL FEES

The Court has received and reviewed *Movant's Request for an Amendment to the "Order Scheduling Briefing of Motion to Intervene and to Inform the Existence and Continuance of an Unresolvable Conflict of Interest in Violation of the Puerto Rico Recovery Accuracy in Disclosures Act of 2021, 48 U.S.C. 2101 et seq., and Petition for: (A) the Permanent Disqualification of O'Neill & Borges, LLC as Legal Counsel to the Financial Oversight and Management Board for Puerto Rico, and (B) the Disallowment and Disgorgement of Legal Fees" Issued on May 20, 2022 (Docket Entry No. 20,923), in Order to Abbreviate the Filing Deadlines Applicable to All Parties* (Docket Entry No. 20946 in Case No. 17-3283, the "Motion to Expedite"), filed by Carlos Lamoutte ("Movant"). The Motion to Expedite requests entry of

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

an order significantly shortening the briefing deadlines applicable to Movant's *Motion to Intervene and to Inform the Existence and Continuance of an Unresolvable Conflict of Interest in Violation of the Puerto Rico Recovery Accuracy in Disclosures Act of 2021, 48 U.S.C. 2101 et seq., and Petition for: (A) the Permanent Disqualification of O'Neill & Borges, LLC as Legal Counsel to the Financial Oversight and Management Board for Puerto Rico, and (B) the Disallowment and Disgorgement of Legal Fees* (Docket Entry No. 20873 in Case No. 17-3283, the "Disqualification Motion").

Movant filed the Disqualification Motion on May 18, 2022. Movant contends that interested parties should only have until May 26, 2022, to respond to the Disqualification Motion because the information underlying the Disqualification Motion should be "easily verifiable." (Mot. to Expedite ¶¶ 4, 5, 11.) Movant also conclusorily asserts that "[t]ime is of the essence." (Mot. to Expedite ¶ 17.)

Notwithstanding the above arguments, the Motion to Expedite presents no compelling basis for limiting interested parties' time to respond to the Disqualification Motion. Although the Motion to Expedite states that the response to the Disqualification Motion requires only a "simple internal conflicts check . . . and/or . . . a cursory review of the law firm's invoicing records from 2017 thru 2021" (Mot. to Expedite ¶ 5), the Disqualification Motion alleges facts that are substantially more expansive than the relatively simple issue of which timekeepers at O'Neill & Borges LLC ("O&B") worked on which matters. (See, e.g., Disqualification Mot. ¶ 3 ("[S]everal executives of the Oversight Board have assisted O&B's attorneys in the ongoing concealment of O&B's unresolvable conflict of interest . . ."); ¶ 11 (alleging that Oversight Board employees "conceal[ed]" facts from the Court); ¶ 22 ("[T]he Oversight Board has been continually advised by its legal counsel not to take any enforcement action in relation to the Loan Sale Agreement . . .").) Moreover, Movant has offered no reason why "time is of the essence" now, even though the Motion to Expedite alleges that O&B's role in the Loan Sale Agreement transaction (which is the subject of the Disqualification Motion) was "clearly identifi[ed]" in the publicly registered Loan Sale Agreement which has been the subject of litigation since at least 2019. (Mot. to Expedite ¶¶ 7-8.)

Accordingly, the Motion to Expedite is denied. This Order resolves Docket Entry No. 20946 in Case No. 17-3283.

SO ORDERED.

Dated: May 24, 2022

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge